

REMARKS

No claims have been amended or added in response to the Office Action. Claims 1-2, 4-11, 13-17, 23, and 25 are still pending in the application.

Claim Rejections Under 35 U.S.C. § 103(a)

The Office Action rejects claims 1-2, 4-11, 13-17, 23, and 25 under 35 U.S.C. § 103(a) as being unpatentable over Hawkinson et al. (U.S. Patent No. 6,658,491) in view of Rogers et al. (U.S. Patent No. 6,405,111).

Applicants respectfully traverse the claim rejections because the Office Action fails to identify at least a suggestion of each recited claim limitation in the prior art.

Claim 1

Claim 1 recites “[a] method for communicating with a factory automation control system via a remote computer, the remote computer including an object container” The limitations “factory automation control system” and “factory automation control system information” are also recited a number of times in claim 1.

The Office Action asserts that “Hawkinson et al. teach a method for communicating with a factory automation control system via a remote computer (see abstract; background of the invention; and figure 1).” These cited portions of Hawkinson et al., however, say nothing about a “factory automation control system” or “factory automation control system information” and the Office Action does not identify with any specificity what in Hawkinson et al. allegedly corresponds to these limitations.

Claim 1 also recites an “object container.” The Office Action asserts that Hawkinson et al. teach “a remote computer including an object container” at Figure 1 and col. 4, lines 20-29. Figure 1 of Hawkinson et al., however, does not disclose an “object container,” nor does Col. 4, lines 20-29 of Hawkinson et al., which is reproduced below:

The operator interface 104 comprises a computer and a display. The operator interface 104 displays information concerning the current state of the system 100. The operator interface 104 also accepts operator input to perform functions such as controlling a physical device or requesting other information to be displayed on the operator interface's 104 display. The operator interface 104 may comprise both client programs and object programs. The operator interface 104 communicates to other programs over the network 110.

The foregoing quotation does not include the “object container” language, and the Office Action does not identify, with any specificity, any construct that allegedly corresponds to the recited “object container.” As a consequence the rejection is improper for failing to identify with any specificity what allegedly corresponds to the recited “object container.”

Since the Office Action has not identified--with any specificity—at least a suggestion of each and every limitation in the prior art, the Office Action cannot support a *prima facie* rejection of claim 1 under § 103(a), and Applicants respectfully request that the rejection of claim 1 be removed.

Claim 7

The Office Action rejects claim 7 “for the same reasons set forth to rejecting claims 1-2 and 4-6 above, since claims 7-9 are merely an apparatus for the method of operation defined in the method claims 1-2 and 4-6.”

Applicants respectfully disagree and submit the rejection is improper. First, the Office Action, as described above, has not properly rejected claim 1. And second, Applicants submit that it is improper to reject claim 7, which includes several limitations not recited in claims 1-2 and 4-6, on the basis that claim 7 is “an apparatus for the method of operation defined in the method claims.”

Moreover, the Office Action does not even allege that the “remote computer system” cited in claim 7 is taught or suggested by the prior art. Specifically, the “remote computer

system” limitation does not even appear in the Office Action relative to the rejection of claim 7; thus the rejection is improper on its face.

In addition, the remote computer system recited in claim 7 is configured to execute a “desktop bound software application adapted with an Active X control.” The Office Action, however, does not even allege that the prior art teaches or suggests the “desktop bound software application” recited in claim 7. This limitation does not appear at all in the Office Action; thus the rejection is improper.

Claim 7 also recites a “control system computer,” but again, the Office Action does not even address this limitation. Specifically, the Office Action does not even allege that the “control system computer” is disclosed in the prior art; thus the rejection is improper.

In addition, claim 7 recites a “local software application.” Again, the Office action does not even allege that the prior art teaches a “local software application.”

Another limitation not identified in the prior art is the “data handler” limitation. Although the Office action does recite back this limitation, it does not identify any construct within the prior art that allegedly corresponds to the “data handler.” Thus the rejection is improper for not providing any specificity as to what, among the numerous constructs disclosed by the prior art, allegedly corresponds to the “data handler.”

Finally, claim 7 recites an “Internet server application program interface (ISAPI).” Although the Office Action alleges that this limitation is disclosed by Hawkinson et al. at figure 3; column 5 lines 48-64; and column 6 lines 9-27, these portions of Hawkinson et al. do not include the recited claim language, and the Office Action does not identify with any specificity what construct, among the many disclosed in Hawkinson et al., allegedly corresponds to the ISAPI limitation.

In summary, the rejection of claim 7 is improper because claim 7 includes several limitations that the Office Action does not even allege are taught or suggested by the prior art and several limitations that the Office Action alleges are in the prior art, but does not identify with any specificity in the prior art. As a consequence, the rejection of claim 7 is improper, and Applicants respectfully request that the rejection of claim 7 be withdrawn.

Claim 16

The Office Action rejects claim 16 “for the same reasons set forth to rejecting claims 1-2 and 4-6 above.” Applicants submit this rejection is also improper. First, claim 16 stands on its own as an independent claim. Second, claim 16 includes limitations not recited in claim 1.

Specifically, claim 16 recites requesting industrial factory automation control system data “from the local system.” The Office Action, however, does not even allege that the prior art teaches or suggests requesting industrial factory automation control system data “from the local system.” In particular, the Office Action does not even mention the “local system” limitation; thus the rejection is improper.

In addition, claim 16 recites “displaying the industrial factory automation control system data with the object container.” The Office Action, however, does not even allege that the prior art teaches or suggests “displaying the industrial factory automation control system data with the object container;” thus the rejection is improper.

Finally, the Office Action does not specifically identify “industrial factory automation control system” or “industrial factory automation control system data.”

In short, claim 16 includes limitations that the Office Action does not even allege are taught or suggested by the prior art and limitations that the Office Action does not identify with any specificity in the prior art; thus the rejection is improper and Applicants request that it be withdrawn.

Claim 23

Claim 23 is rejected “for the same reasons set forth to rejecting claims 16-17 above.”

This rejection is also improper because claim 23 is an independent claim that stands on its own and includes several limitations not recited in claims 16-17.

For example, claim 23 recites “a first computer” and “a second computer.” The Office Action, however, merely recites back these limitations and alleges, without pointing to anything specifically, that Rogers et al. discloses them at FIG. 4 and column 08 line 12 to column 10 line 14. Turning to FIG. 4 of Rogers et al., it depicts a measurement device 210, a data input controller 200, an output device 230 and a networked controller 220. The Office Action, however, does identify with any specificity which of these constructs allegedly corresponds to the recited “first computer” and “second computer.” Moreover, the Office Action does not identify what, among the multiple constructs disclosed in Rogers et al.-- over the two columns of text identified by the Examiner-- (i.e., column 08 line 12 to column 10 line 14) allegedly corresponds to the “first computer” and the “second computer,” thus the rejection is improper for lacking specificity.

In addition, the “second computer is configured to receive...factory automation control system data from the first computer so as to enable a user at the second computer to monitor the factory automation control system at the second computer.” The Office Action, however, does not even allege the prior art teaches or suggests enabling a user “at the second computer to monitor the factory automation control system at the second computer.” In particular, these limitations are not even found in the Office Action; thus the rejection is improper.

To summarize, claim 16 includes limitations not identified with any specificity in the prior art and limitations that the Office Action does not even allege are taught or suggested in the prior art; thus the rejection is improper and Applicants request that the rejection be removed.

Dependent Claims

For the reasons state above, Applicants believe independent claims 1, 7, 10, 16, and 23 to be allowable. Since each of the dependent claims depends from an allowable independent claim, each such claim is allowable, at least, by virtue of its depending from an allowable claim.

CONCLUSION


In view of the foregoing, Applicants respectfully submit that no further impediments exist to the allowance of this application and, therefore, solicit an indication of allowability. However, the Examiner is requested to call the undersigned if any question or comments arise.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.

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Respectfully Submitted

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